

SOUTH DAKOTA ELECTRICAL COMMISSION

Minutes of the Electrical Commission meeting held on April 16, 2009, State Capitol, Room 412, Pierre, South Dakota.

The meeting was called to order by President Simonson at 9:00 A.M.

Members present were Larry Simonson, Harlan Nielsen, Steve Nielsen, Jesse Smith, Tim McIntyre, and Robert Cronin.

Others present were JJ Linn – Executive Director, Diana Peterson – Office Secretary, Todd Kolden – Dept of Labor and Nathan Lukkes – Attorney for Dept of Labor.

President Simonson welcomed Tim McIntyre to the Commission. Tim was appointed to the electric utility seat on April 7, 2009.

Motion by H. Nielsen; Seconded by Smith to approve the agenda. Motion approved.

Motion by Cronin; Seconded by S. Nielsen to approve the minutes of January 15, 2009. Motion approved.

Director Linn reviewed with the Commission the steps already taken in the rule approval process and those yet to be completed.

The Inspectors' report was given by Director Linn:

1. The next Inspectors' meeting is on April 23, 2009 in Rapid City.
2. Director Linn has realigned some of the districts and will continue to monitor the permit numbers per district.
3. All Inspectors are currently living within their district or within a reasonable travel distance.
4. Director Linn is working with the full-time Inspectors to develop a notification process for seasonal Inspectors. It is the intention of the Director to streamline the process allowing more time for the full-time Inspectors to focus on Inspecting.

Todd Kolden introduced Nathan Lukkes to the Commission. Mr. Lukkes is the attorney representing Boards and Commissions in the Dept of Labor.

The meeting recessed at 9:50 AM.

The meeting reconvened at 10:00 AM.

A public hearing was held at 10:00 AM to consider the adoption and amendment of proposed rules numbered 20:44:14:01, 20:44:16:03 to 20:44:16:05, inclusive, 20:44:16:08, 20:44:16:15, 20:44:16:23, 20:44:18:03, and 20:44:23:01.

Minutes are attached.

The hearing concluded at 10:03 AM.

A discussion was held on licensing procedures and the history of levels of licensure. The following items were discussed:

1. Class Bs are currently required to have one additional year of industrial or commercial wiring to advance to the Electrical Contractor license, yet a Journeyman is not required to have any industrial or commercial experience prior to becoming an Electrical Contractor.
2. Director Linn noted the statute and rules should be basically consistent on attaining the level of Journeyman Electrician whether an Apprentice Electrician attains the Journeyman Electrician level with or without attaining a 501(d) license.
3. Director Linn noted the statute and rules should be basically consistent on attaining the level of Electrical Contractor whether a Journeyman attains the Electrical Contractor level with or without attaining a Class B license.
4. Copies of the current verification form for experience were handed out. Director Linn noted there will be upgrades to the verification letters resulting from changes in the statute and rules.

A discussion was held on the recent legislation pertaining to the 501(d) license. Mr. Kolden noted the Hutterite Colonies are the only 501(d)s presently in the state of South Dakota.

The proposed rules were presented to the Commission members. Motion by H. Nielsen; Seconded by Smith to approve the proposed rule changes with the following amendments:

20:44:16:08 (3) Journeyman electrician to electrical contractor or electrical inspector - Two years of electrical experience under the employment and supervision of an electrical contractor, of which at least one year is required in commercial and industrial ~~and residential or farmstead~~ wiring. Additional training must include technical knowledge to plan, lay out, and supervise the installation of electrical light, heat, and power in accordance with the **National Electrical Code**;

~~(5)(5)~~ Class B electrician to electrical contractor - ~~Two~~ One ~~additional~~ years of electrical experience, ~~with at least one year of~~ in commercial and industrial wiring ~~experience under the employment and supervision of a licensed electrical contractor~~;

Motion approved.

Director Linn gave an update on the exam sites for ICC. Sioux Falls and Huron are currently conducting examinations. Aberdeen and Rapid City sites should be available soon.

Director Linn gave an update on Schipper's suggestions:

1. Mr. Schipper suggested Inspectors should reside in or near the district in which they are assigned. This has been accomplished.
2. Mr. Schipper suggested implementing standards and approval process for 3rd party inspections. This is a long-term work in progress.

Director Linn reported an article will be appearing in an upcoming issue of SD Rural Electric Association newsletter on safe wiring and the requirements for wiring permits.

Director Linn discussed a meeting with Jeff Sveen regarding the 501(d) licenses. Motion by S. Nielsen; Seconded Smith to have Director Linn contact Jeff Sveen to continue the process of revoking the “special licenses” and issuing the 501(d) licenses. Motion approved.

Director Linn reported the Director intends on attending the Multi-State Reciprocal Licensing Group meeting regarding reciprocal agreements and the Multi-State Alliance in August. The Commission reviewed a letter from the state of Washington notifying members of the Multi-State Reciprocal Licensing Group of their intent to end their reciprocal agreement effective March 31, 2009. The Commission reviewed a request from Texas to join the Multi-State Reciprocal Group.

Director Linn stated he will be bringing new Commission books to the next meeting for the members to take home with them.

A discussion was held on Justin Grosfield’s application for a reciprocal electrical contractor’s license. Motion by H. Nielsen; Seconded by S. Nielsen to deny the reciprocal license request of Mr. Grosfield. Motion approved.

A discussion was held in regards to an applicant requesting to utilize experience from another state that does not have state licensing or adopt the NEC. The Commission agreed to stay consistent with what the Staff had set as a standard in previous years: the time may count if the applicant has had wiring experience in a state which has adopted the NEC.

Motion by H. Nielson; Seconded by Smith to adopt polices on procedures for adopting policies, Apprentice continuing education and accumulation of experience, and meeting schedule (see attached). Motion approved.

Motion by Smith; Seconded by S. Nielsen to approve the reports. Motion approved.

The Director notified the Commission as to the elimination of the Personnel/Budget Committee and the Public Relations Committee.

A discussion was held on sending the reports electronically to the Commission instead of hard copy. It is a long-term goal of the Staff to be paperless.

President Simonson reported that he did the Director’s PPAR.

The Director’s report included the following:

1. The Staff sent letters to contractors notifying them of their current outstanding permits and stating the requirement of notifying the Inspectors of the time a project is ready for inspection. The Staff is planning on sending these letters quarterly.
2. The Director stated there is a question as to what equipment and wiring would need to be replaced if contacted with flood waters. This will be discussed at the Inspectors' meeting. Commissioner Cronin requested they also include fire damage to their discussion.
3. The Director expressed a concern on utilization of Inspectors and Temps throughout the State taking into account the slow down in the economy and the current State hiring freeze. The Director will continue to monitor.
4. The Director expressed a need to continue to educate contractors to stay in compliance with permitting laws. The Director compared the inspection process to an "insurance policy" for contractors and their clients.
5. Inspectors need to assess the time they are spending on inspections and charge contractors and homeowners for time over and above that of a typical inspection. Rule 20:44:20:10 allows Inspectors to charge an additional fee for duties outside the requirements of a typical installation.
6. Cam Becker and Jesse Smith have been reappointed to the Commission.
7. The Director discussed the possibility of a "fire sale". This is a long-term possibility. Future discussion with Inspectors and Staff will be relayed to the Commission.

Todd Kolden suggested that we should have an electrical safety month with a proclamation from the Governor. Todd stated he would also assist in distributing a news release for publication.

The upcoming Commission meetings are:

July 16, 2009 – State Capitol Room 412

September 17, 2009 – Conference call

Other future dates:

April 23, 2009 – Inspectors Meeting – Rapid City

April 24-25, 2009 - 2009 SDEC Convention

Motion by McIntyre; Seconded by Cronin to adjourn the meeting at 12:17 PM.

Cam Becker, Commission Secretary